

1 AN ACT concerning employment.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Public Safety Employee Benefits Act is
5 amended by changing Section 10 as follows:

6 (820 ILCS 320/10)

7 Sec. 10. Required health coverage benefits.

8 (a) An employer who employs a full-time law enforcement,
9 correctional or correctional probation officer, or firefighter
10 (hereinafter referred to as "PSEBA recipient"), who, on or
11 after the effective date of this Act suffers a catastrophic
12 injury or is killed in the line of duty shall pay the entire
13 premium of the employer's health insurance plan for the PSEBA
14 recipient ~~injured employee~~, the PSEBA recipient's ~~injured~~
15 ~~employee's~~ spouse, and for each dependent child of the PSEBA
16 recipient ~~injured employee~~ until the child reaches the age of
17 majority or until the end of the calendar year in which the
18 child reaches the age of 25 if the child continues to be
19 dependent for support or the child is a full-time or part-time
20 student and is dependent for support. The term "health
21 insurance plan" does not include supplemental benefits that are
22 not part of the basic group health insurance plan. If the PSEBA
23 recipient ~~injured employee~~ subsequently dies, the employer

1 shall continue to pay the entire health insurance premium for
2 the surviving spouse until remarried and for the dependent
3 children under the conditions established in this Section.

4 However:

5 (1) Health insurance benefits payable from any other
6 source shall reduce benefits payable under this Section.

7 (2) It is unlawful for a person to willfully and
8 knowingly make, or cause to be made, or to assist, conspire
9 with, or urge another to make, or cause to be made, any
10 false, fraudulent, or misleading oral or written statement
11 to obtain health insurance coverage as provided under this
12 Section. A violation of this item is a Class A misdemeanor.

13 (3) Upon conviction for a violation described in item
14 (2), a law enforcement, correctional or correctional
15 probation officer, or other beneficiary who receives or
16 seeks to receive health insurance benefits under this
17 Section shall forfeit the right to receive health insurance
18 benefits and shall reimburse the employer for all benefits
19 paid due to the fraud or other prohibited activity. For
20 purposes of this item, "conviction" means a determination
21 of guilt that is the result of a plea or trial, regardless
22 of whether adjudication is withheld.

23 (b) In order for the law enforcement, correctional or
24 correctional probation officer, firefighter, spouse, or
25 dependent children to be eligible for insurance coverage under
26 this Act, the injury or death must have occurred as the result

1 of the officer's response to fresh pursuit, the officer or
2 firefighter's response to what is reasonably believed to be an
3 emergency, an unlawful act perpetrated by another, or during
4 the investigation of a criminal act. Nothing in this Section
5 shall be construed to limit health insurance coverage or
6 pension benefits for which the officer, firefighter, spouse, or
7 dependent children may otherwise be eligible.

8 (c) A PSEBA recipient subject to this Act shall be required
9 to file a report with his or her employer as prescribed in this
10 Section. The Commission on Government Forecasting and
11 Accountability (COGFA) shall design the form and prescribe the
12 content of the report in cooperation with one statewide labor
13 organization representing police, one statewide labor
14 organization representing firefighters employed by at least
15 100 municipalities in this State, that is affiliated with the
16 Illinois State Federation of Labor, one statewide organization
17 representing municipalities, and one regional organization
18 representing municipalities. COGFA may accept comment from any
19 source, but shall not be required to solicit public comment.
20 Within 60 days after the effective date of this amendatory Act
21 of the 98th General Assembly, COGFA shall design and remit a
22 copy of this form to all employers subject to this Act. The
23 form shall include the following:

24 (1) employment by the PSEBA recipient within the
25 previous 24-month period or since the time the PSEBA
26 recipient began receiving benefits under this Act if less

1 than 24 months;

2 (2) compensation earned by the PSEBA recipient as a
3 result of the employment;

4 (3) the nature of the injury that entitled the PSEBA
5 recipient to a duty disability benefit and benefits as
6 provided under this Act listing the part of the body
7 affected, explaining how it was affected, and including the
8 medical diagnosis, if known;

9 (4) whether the PSEBA recipient or his or her spouse
10 has been offered or has access to any insurance from the
11 PSEBA recipient's employment or his or her spouse's
12 employment;

13 (5) whether the PSEBA recipient or his or her spouse is
14 currently enrolled in any insurance plan from another
15 source;

16 (6) a description of benefits offered by the PSEBA
17 recipient's employer or the employer of his or her spouse,
18 including policy limits, co-pay requirements, and
19 deductibles; and

20 (7) the cost of the insurance offered by the PSEBA
21 recipient's employer or the employer of his or her spouse.

22 Within 30 days after receipt of this form, an employer
23 shall notify any PSEBA recipient receiving benefits under this
24 Act of that recipient's obligation to file a report under this
25 Section. A PSEBA recipient receiving benefits under this Act
26 must complete and return this form to the employer within 60

1 days of receipt of such form. Any PSEBA recipient who has been
2 given notice as provided under this Section and who fails to
3 timely file a report under this Section within 60 days after
4 receipt of this form shall be notified by the employer that he
5 or she has 30 days to submit the report or risk incurring the
6 cost of his or her benefits provided under this Act. An
7 employer may seek reimbursement for premium payments for a
8 PSEBA recipient who fails to file this report with the employer
9 30 days after receiving this notice. The PSEBA recipient is
10 responsible for reimbursing the employer for premiums paid
11 during the period the report is due and not filed. Employers
12 shall return this form to COGFA within 30 days after receiving
13 the form from the PSEBA recipient.

14 Any information collected by the employer under this
15 Section shall be exempt from the requirements of the Freedom of
16 Information Act except for data collected in the aggregate that
17 does not reveal any personal information concerning the PSEBA
18 recipient.

19 By July 1 of every odd-numbered year, beginning in 2015,
20 employers subject to this Act must send a form to all PSEBA
21 recipients eligible for benefits under this Act. The PSEBA
22 recipient must complete and return this form by September 1 of
23 that year. Any PSEBA recipient who has been given notice as
24 provided under this Section and who fails to timely file a
25 completed form under this Section within 60 days after receipt
26 of this form shall be notified by the employer that he or she

1 has 30 days to submit the form or risk incurring the costs of
2 his or her benefits provided under this Act. The PSEBA
3 recipient is responsible for reimbursing the employer for
4 premiums paid during the period the report is due and not
5 filed. The employer shall resume premium payments upon receipt
6 of the completed form. Employers shall return this form to
7 COGFA within 30 days after receiving the form from the PSEBA
8 recipient.

9 (d) An employer subject to this Act shall file a claims
10 report with COGFA. COGFA shall design the form and prescribe
11 the content of the report in cooperation with one statewide
12 labor organization representing police, one statewide labor
13 organization representing firefighters employed by at least
14 100 municipalities in this State, that is affiliated with the
15 Illinois State Federation of Labor, one statewide organization
16 representing municipalities, and one regional organization
17 representing municipalities. Within 60 days after the
18 effective date of this amendatory Act of the 98th General
19 Assembly, and by July 1 of every odd-numbered year thereafter
20 beginning in 2015, COGFA shall remit a copy of this form to all
21 employers subject to this Act. An employer covered under this
22 Act shall file a copy of this report with COGFA within 120 days
23 after receipt of the form.

24 The first claims report filed with COGFA under this Section
25 shall set forth all information gathered pursuant to this
26 Section and, when available, shall submit the information

1 required under this Section for each of the 5 years prior to
2 the year in which this amendatory Act of the 98th General
3 Assembly became law. All claims reports thereafter shall set
4 forth the required information for the 24-month period ending
5 on June 30 preceding the deadline date for filing the report.
6 The claims report shall, at a minimum, contain the following
7 information:

8 (1) the number of claims filed under this Act during
9 the reporting period;

10 (2) the number of claims awarded under this Act during
11 the reporting period;

12 (3) the dollar amount of all claims awarded under this
13 Act during the reporting period;

14 (4) the number of claims paid under this Act during the
15 reporting period regardless of when the claim was awarded;

16 (5) the dollar amount of all claims paid under this Act
17 during the reporting period regardless of when the claim
18 was awarded;

19 (6) the annual cost of the benefit;

20 (7) the nature of the injury as described by the PSEBA
21 recipient under item (3) of subsection (c);

22 (8) any employment during the annual reporting period;

23 (9) the compensation earned as a result of that
24 employment;

25 (10) any offered or accessible insurance options
26 through the PSEBA recipient's employment or his or her

1 spouse's employment;

2 (11) a description of benefits offered by the PSEBA
3 recipient's employer or the employer of his or her spouse,
4 including policy limits, co-pay requirements, and
5 deductibles; and

6 (12) the cost of the insurance offered by the PSEBA
7 recipient's employer or the employer of his or her spouse.

8 The claims report shall redact any information as required
9 by the Health Insurance Portability and Accountability Act of
10 1996 (HIPAA). Any information submitted to COGFA shall not
11 reveal any personal information of the PSEBA recipient.
12 Whenever possible, communication between COGFA and employers
13 as required by this Act shall be through electronic means.

14 (e) By June 1, 2014, and by January 1 of every
15 even-numbered year thereafter beginning in 2016, COGFA shall
16 submit a report to the Governor and General Assembly setting
17 forth the information received under subsections (c) and (d).
18 The report shall aggregate data in such a way as to not reveal
19 the identity of any singular beneficiary. The requirement for
20 reporting to the General Assembly shall be satisfied by filing
21 copies of the report with the Speaker, Minority Leader, and
22 Clerk of the House of Representatives, the President, Minority
23 Leader, and Secretary of the Senate, the Legislative Research
24 Unit as required under Section 3.1 of the General Assembly
25 Organization Act, and the State Government Report Distribution
26 Center for the General Assembly as required under paragraph (t)

1 of Section 7 of the State Library Act. COGFA shall make this
2 report available electronically on a publicly accessible
3 website.

4 (Source: P.A. 90-535, eff. 11-14-97.)

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.